THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.26839 of 2005

Dated 26-12-2005

Between:

P.Geetha.

.. **PETITIONER**

AND

The Commissioner & Director of School Education,

Andhra Pradesh,

Hyderabad-cum-Chairman, DIET CET-2005 and others.

.. RESPONDENTS

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ORDER

The petitioner appeared in the entrance examination conducted by the first respondent for selecting candidates into D.Ed. course (Tamil Medium). There are 50 seats of that course in the third respondent institution. The petitioner states that one seat which is reserved for S.C. woman is remaining vacant on account on non-availability of candidates and though she made a representation for consideration of her case against such seat, the respondents have not taken any steps and she seeks appropriate directions.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

The petitioner claims that she belongs to BC-B category. She Secured 57th rank in the entrance examination conducted for the purpose of selection of candidates to D.Ed. course (Tamil Medium). She was not selected either against general category of seats or those reserved in favour of BC-B candidates. Even assuming that a seat reserved for S.C. woman is vacant, the petitioner cannot claim admission against such a seat as of right. The respondents have to verify the list of qualified candidates and see whether any S.C. candidates are available. It is only when such a candidate is not available, the seat is to be kept open, for being filled up by other categories of candidates. Here the action would depend upon the contents of the relevant rules, viz., whether the seat must be treated as belonging to the open category or be made available to the other reserved categories. In the ordinary course of things, the seats among S.C. and S.T. categories are interchangeable. However, as observed earlier, much would depend upon the purport of the rules. This court is not in a position to form any opinion on these aspects, because of lack of proper material before it. The duration of the course itself is very short. The matter cannot be kept pending indefinitely.

For the foregoing reasons, the writ petition is disposed of, directing the respondents to examine as to whether there exists any seat and, if so, whether the candidature of the petitioner can be considered along with other qualified candidates and thereafter fill the seat strictly in accordance with the Rules of admission. This exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. No order as to costs.

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26-12-2005

Note:

Issue C.C. in three days

(B/o)

Prv